IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.912 OF 2003

In

APPEAL FROM ORDER NO.652 OF 2003

Mr.Hasmukh Lakhamshi Shah & Ors. : Applicants

V/s.

Mr.Mahesh Mohanlal Dedhia & Anr. : Respondents

...

Mr.Kevic Setalvad with Ms Vimla M. Shah for the applicants.

Mr.P.N.Joshi for respondent nos.1 & 2.

...

CORAM : A.M. KHANWILKAR,J.

DATE : APRIL 19, 2006.

P.C.

1. Heard counsel for the parties.

2. This application is disposed of with stay of operation of the first part of the operative order passed by the trial Court which is impugned in the appeal. In other words, the direction given by the trial Court that the appellants-plaintiffs to deposit the rent collected from the tenants with the Registrar of the City Civil Court, this part is stayed during the pendency of the appeal, on condition that the appellants will submit quarterly

accounts to the Registrar of the trial Court till the disposal of the suit or such further orders to be passed by the trial Court.

3. It is also made clear that the trial Court will be free to proceed with the trial of the suit, irrespective of the pendency of the present Appeal from Order in this Court and decide the same on its own merits, in accordance with law.

4. The applicants-plaintiffs shall also furnish an undertaking before the trial Court that they shall bring back the entire amount as may be directed by the trial Court at the end of the trial along with interest, if any, if so ordered by the trial Court.

A.M.KHANWILKAR, J.